

BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR

Present.: Hon'ble Shri D.N. Padhi, S.C.I.C  
and  
Prof. Radhamohan, S.I.C

Dated. 7<sup>th</sup> June 2006

Complaint Case No. 52/2006

Sri. Bijay Kumar Acharya  
At/-District Institute Education and Training, Staff Quarter  
Sriram Nagar, At/ Po: Khurda  
Dist: Khurda.....Complainant

-Vrs-

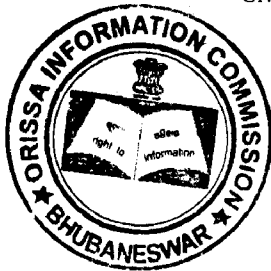
The Principal  
District Institute Education and Training,  
At/ Po: Khurda  
Dist: Khurda.....Opposite Party

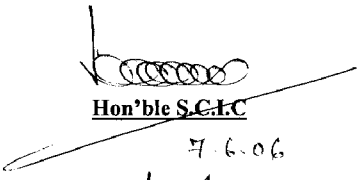
1. The Complainant Sri Bijay Kumar Acharya is present. He is accompanied by his Counsel Sri P.K. Rath. The Principal, DIET, Khurda (Opposite Party) is also present. Heard both the sides to their satisfaction.
2. The Complainant had alleged in his complaint petition date 25/11/2005 that he had sought for the following information –
  - (i) Date of his entry into Govt. service and date of regularization of his service.
  - (ii) Whether his Service Book has been verified or not. If not verified, for how many years?
  - (iii) The date of disposal of G.R. Case No. 458 of 2001.
  - (iv) Xerox copy of 4 letters of different dates.
  - (v) Letter No. 518 dt. 17.1.05 and the extract of Inquiry Report submitted by three Inquiring Officer.
  - (vi) The final Gradation List of the Clerical staff of the Opposite Party if has been published.
  - (vii) If the Gradation List has been published whether it has been communicated.
3. It is submitted by the Counsel for the Complainant that the information sought for have not been supplied to the Complainant for which his client was left with no other choice than to approach the State Commission for redressal of his grievance by pressing into service provisions of Section 18 of the R.T.I. Act, 2005. The submission was accepted.
4. The Principal, DIET( Opposite) Party submitted in reply that he is not the PIO but as Head of Office he received the application from the Complainant. But for want of appropriate instructions from the Director, SCERT regarding implementation of the provisions of the Right To Information Act, 2005 the matter has been delayed. Thus no ulterior motive should be attributed to him for having intentionally withheld the information required by the Complainant.

5. Rule of law is well settled that ignorance of law is no excuse. To put in other words it cannot be accepted as a valid defence. However, considering the fact that the Principal DIET (Opposite Party) is not the P.I.O. and the application was filed before him under Section 6, it is felt just and appropriate to provide an opportunity to the Opposite Party by way of reformation and an opportunity to correct himself. The Opposite Party is willing to furnish the information sought for by the Complainant except the following two namely (a) letter No.8470 dt. 20.12.2003 and (b) copy of the Service book. He further submitted that the letter referred to above is not traceable in his Office and it can be collected from the Office of Director, SCERT and the Service book has been filed in Court.
6. Having considered the submission of both the parties and taking into account the facts of the case, the Opposite Party is hereby directed to collect the copy of the said letter from the Office of the Director, SCERT and supply the same to the Complainant within a week that is latest by 14<sup>th</sup> of June 2006. As regards other wanting information the Opposite Party will take appropriate steps for providing the Service book when received from the Hon'ble Court. He may make a request to the Hon'ble Court concerned in this regard.
7. The other information sought for by the Complainant are said, by the Opposite party, to be available with him. Hence, he is directed to supply authentic and certified true copies thereof to the Complainant during the course of the day. He will also report compliance that the said information have been supplied to the Complainant and at the same time, the Complainant is also directed to submit a memo before the Registrar of the State Commission intimating receipt of information from the Opposite Party.
8. With the above directions to be affirmatively implemented by the parties within the specified time limit, the prayer of the Complainant is allowed.

**Pronounced**

Given under the hand and seal of the State Commission, this 07<sup>th</sup> day of June 2006.



  
**Hon'ble S.I.C**

7.6.06

  
S.I.C

07.6.06